

Montenegro

 freedomhouse.org/report/freedom-press/2014/montenegro

Freedom of the Press

Conditions for the media deteriorated in 2013 due to an increase in negative official rhetoric, serious physical attacks against the press, and the use of advertising as a tool to punish independent outlets.

Freedom of the press is guaranteed by the constitution, and the threat of legal pressure was reduced in 2011, when Montenegro fully decriminalized defamation, relegating it to civil suits with monetary compensation as the only possible sanction. In addition, the Supreme Court has adopted guidelines regulating the level of compensation in cases filed against the media. The European Commission (EC) reported a decrease in the number of defamation cases after decriminalization; the amount of damages awarded also declined slightly. Nevertheless, there is a backlog of defamation cases in the courts, highlighting the frequency with which such cases are still filed. In recent years, Montenegro's *Vijesti* and *Dan* dailies and the weekly *Monitor* have paid hundreds of thousands of euros in damages for insulting Prime Minister Milo Đukanović and his family. Đukanović, who has served as Montenegro's prime minister or president for most of the last two decades, is openly hostile to Montenegro's independent media.

The right to access information is guaranteed in the constitution, and journalists can request public information via a 2005 freedom of information law. However, implementation of the law has been problematic, resulting in dozens of court cases over the years. In July 2012, the parliament passed a law requiring government agencies to proactively publish some information.

The country's media regulators are not financially independent and have inadequate monitoring capacity. Licensing and registration are handled by two agencies, the Agency for Electronic Media (AEM) and the Agency for Electronic Communications and Postal Services (EKIP). In January 2013, the legislature approved amendments to the law on electronic media that requires the nominally independent AEM to return budget surpluses to the state budget. The parliament also forced the agency to modify its financial plans for 2013, continuing a trend that has inhibited the AEM's autonomy. A similar law on electronic communications and information technology was adopted in July, requiring EKIP to return budget surpluses to the state budget until January 2016. That measure, which took effect in August, was aimed at bringing Montenegro into line with certain European telecommunications norms. Meanwhile, the Constitutional Court has yet to rule on EKIP's appeal of a 2011 law that mandates the automatic dismissal of its board and executive director if the parliament fails to approve its financial reports. In its 2013 progress report on Montenegro, the EC noted that the lack of a ruling cast doubt on EKIP's independence.

A code of ethics for journalists was adopted in 2003, but Montenegrin journalists have struggled to establish a common self-regulatory body since then. In March 2012, the existing self-regulatory body was reconstituted, with 19 news outlets participating. Some independent media outlets declined to join the process and established two separate press councils instead.

Government officials often show blatant favoritism toward particular media outlets, and independent journalists continue to face pressure from business leaders and the government. Reporting by both private and state-owned media outlets frequently lacks objectivity, with the public broadcaster accused of favoring the government in its news coverage.

While the 2010–12 government of Prime Minister Igor Lukšić made some efforts to increase protections for media freedom, Lukšić was replaced in October 2012 by Đukanović, who resumed his hostility toward

independent media. In September 2013, *Vijesti* claimed that Vladimir Popović—a Đukanović ally and the head of Montenegro's Public Policy Institute, a nongovernmental organization (NGO)—had cursed at its reporters and seized their recording equipment as they attempted to interview him outside the institute's offices. In November, Nidzara Ahmetasević, a freelance journalist and former editor at the Balkan Investigative Reporting Network (BIRN), reported that officials at what was purported to be a journalism conference in Podgorica blocked many journalists who are critical of the government from attending. She also reported that the conference, which Popović's Public Policy Institute and other Montenegrin NGOs had helped to organize and which Đukanović attended, had prominently featured a display of various newspapers that were critical of the government, describing them as "enemies of the state."

The level of physical attacks and threats against independent media outlets has escalated in recent years. *Vijesti* was the target of several attacks in 2013. In the most prominent incident, a bomb was detonated at the paper's Podgorica office in December. It was placed beneath the window of the editor in chief, who was present along with other staff at the time, but no injuries were reported. In August, another explosive device was detonated near the home of one of *Vijesti*'s staff members, Tufik Softić, who also works for the *Monitor*. On two other occasions in late 2013, assailants hurled stones at the offices of *Vijesti* and the broadcaster NTV Montena. *Monitor* staff members faced threats and other forms of harassment during the year, including verbal insults cast at one journalist in September and vulgar text messages sent to its director in November, and the perpetrators remained unpunished despite evidence that identified them. Among other unresolved incidents, a *Vijesti* photojournalist was assaulted at a festival in Nikšić in July, and the car of Darko Ivanović, the editor of the television show *Robin Hood*, was broken into outside his home in Podgorica in December.

The perpetrators of such crimes generally enjoy impunity, and many previous cases of violence against journalists remained unsolved at year's end. In June, UN special rapporteur on freedom of expression Frank La Rue asserted that relations between Montenegro's government and the media would suffer unless the government meaningfully addressed the issue of violence against journalists. Warning that the current climate of impunity could encourage additional attacks, he proposed the creation of an investigative commission to probe such incidents. In October, the Interior Ministry announced that a commission would be formed, with representatives from the government, the media, and NGOs. Due to government pressure and other harassment or attacks, self-censorship is rampant among journalists, and many have elected to leave the profession entirely.

The media environment is diverse for such a small country, with about 23 television stations, 53 radio stations, 4 daily print outlets, 3 weeklies, and 30 monthlies operating. Access to the internet is not restricted, and approximately 57 percent of the population had access in 2013. The public broadcaster, Radio-Television of Montenegro, operates three television channels and two radio channels, but it faces financial difficulties, often resulting in low-quality programming. Media content is significantly influenced by the business and political interests of owners, and media ownership structures are not transparent. In the print sector, major private newspapers such as *Vijesti* and *Dan* compete with *Pobjeda*, a state-owned newspaper with national circulation. At the end of 2013, the state still held a majority stake in *Pobjeda*, despite a 2002 law requiring the government to sell its shares. In his June report, La Rue urged the government to privatize the publication. Đukanović has directed significant public money toward *Pobjeda*—despite its low readership and estimated losses of €2 million (\$2.6 million) per year—and other government-friendly media outlets. Meanwhile, he has reportedly banned the government, state institutions, municipalities, and public companies from advertising in *Vijesti*. Some private companies close to the prime minister have also been "advised" to not to advertise in the paper, according to one *Vijesti* editor.

The global financial crisis exacerbated the financial problems of Montenegro's media environment, in which a large number of broadcast and print outlets compete for a small advertising pool. *Monitor* reported

that two new daily newspapers with cut-rate prices were launched in 2012, and suggested that investors were seeking to drive down Montenegrin newspaper prices in an effort to undermine independent dailies. Journalists are not highly paid, and combined with poor training and political and business influence, this often leads to biased coverage.

2014 Scores

Press Status

Partly Free

Press Freedom Score

(0 = best, 100 = worst)

39

(0 = best, 30 = worst)

10

(0 = best, 40 = worst)

18

(0 = best, 30 = worst)

11